

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|--------------------------------------|---|---------------------------|
| BARBARA RODGERS, |) | CIVIL NO. 8:04-CV-120 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER OF DISMISSAL |
| |) | |
| WELLS FARGO BANK OF NEBRASKA, |) | |
| N.A.; and ROBERT M. BERTSCH, JR. AND |) | |
| KATHY LONCKE, |) | |
| |) | |
| Defendants. |) | |

This matter comes before the Court upon the motion of Plaintiff, joined in by Defendants, to voluntarily dismiss certain Defendants and claims made in this lawsuit. In consideration of the motion,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's supplemental claim of false imprisonment under Nebraska common law against Defendants Wells Fargo and Bertsch (Plaintiff's "Third Cause of Action") is dismissed, with prejudice;
2. Plaintiff's supplemental claim of assault and battery under Nebraska common law against Defendant Bertsch (Plaintiff's "Fourth Cause of Action") is dismissed, with prejudice;
3. Plaintiff's supplemental claim of intentional infliction of emotional distress under Nebraska common law against all Defendants (Plaintiff's "Fifth Cause of Action") is dismissed, with prejudice;
4. Plaintiff's supplemental claim of slander under Nebraska statutory and common law against all Defendants (Plaintiff's "Sixth Cause of Action") is dismissed, with prejudice;
5. Plaintiff's supplemental claim of invasion of privacy under Nebraska law against Defendants Wells Fargo and Bertsch (Plaintiff's "Seventh Cause of Action") is dismissed, with prejudice;
6. Any and all claims made against Defendant Robert M. Bertsch, Jr., are dismissed, with prejudice.
7. Any and all claims made against Defendants Kathy J. Loncke are dismissed, with

prejudice.

8. With respect to all such dismissals noted above, the parties shall bear their own costs and attorney fees.

9. As a result of these dismissals, the only claims remaining in this lawsuit are as follows:

- A. A claim of discrimination against Defendant Wells Fargo based upon disability in violation of the Americans with Disabilities Act of 1990 (Plaintiff's "First Cause of Action"); and
- B. A claim of discrimination against Defendant Wells Fargo based upon gender in violation of Title VII of the Civil Rights Act of 1964 (Plaintiff's "Second Cause of Action").

IT IS SO ORDERED, this 29th day of June, 2005.

/s/
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE